AMENDMENT TO THE CLAIMS

The following claim listing replaces all prior listings and versions of the claims:

LISTING OF CLAIMS

1-2. (Cancelled)

3. (Currently Amended) A nonaqueous electrolyte secondary battery comprising:

a positive electrode having an active material of a complex oxide capable of storing and emitting lithium ions;

a negative electrode capable of storing and emitting lithium ions;

a separator disposed between the positive electrode and the negative electrode; and

an electrolytic solution containing a nonaqueous solvent,

wherein discharge-end voltage of the nonaqueous electrolyte secondary battery is within 2.5V to 3.0V,

the positive electrode contains a positive electrode active material comprising a first active material of lithium-based complex oxide and a second active material of another lithium-based complex oxide having an average discharge voltage lower than an average discharge voltage of the first active material,

an added amount of the second active material is at least 5% and at most 20% in capacity of a total amount of capacity of the positive electrode active material, and

the first active material is a composite "A" expressed as Li_xMO_2, "M" denoting a 3d transition metal, x being given as $0.9 \leq x \leq 0.98$, and the second active material is $LiMnO_2$ of which average discharge voltage is within 2V to 3V.

4. (Previously Presented) The nonaqueous electrolyte secondary battery according to claim 3, wherein the composite "A" contains at least one of materials expressed as $Li_xNi_yMn_zCo_{1-y-z}O_2$, x, y, and z being given as $0.9 \leq x \leq 0.98$, $0.3 \leq y \leq 0.4$, and $0.3 \leq z \leq 0.4$, and $Li_xNi_yCo_zAl_{1-y-z}O_2$, x, y, and z being given as $0.9 \leq x \leq 0.98$, $0.55 \leq y \leq 0.8$, and $0.15 \leq z \leq 0.3$.

5-8. (Cancelled)